

ORDINANCE NO. ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, TO REVISE THE PURPOSES AND INTENSITIES ASSOCIATED WITH THE LAKE PROTECTION ZONING DISTRICT AND REVISING THE REVIEW PROCESS FOR NON-RESIDENTIAL DEVELOPMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, THAT

Section 1. That Sec. 10-192(3), special development standards for environmentally sensitive zones, of Division 2 of Article VII of Chapter 10, Land Development Code, of the Code of Laws of Leon County, Florida, is amended as follows:

Sec. 10-192. Special development standards for environmentally sensitive zones.

(b) *Lake Jackson special development zone.* Special development zones adjacent to Lake Jackson are hereby designated within which the following minimum design and development standards shall apply, notwithstanding any less restrictive provisions in any state law or regulation or local ordinance:

- (3) *Lake protection area.* An area based on the Lake Jackson basin boundary, adjusted to ~~primarily include undeveloped areas and existing, less intensely developed areas~~ contributing watersheds but to exclude existing, more intensely developed areas south of Interstate 10, as specified in the Tallahassee-Leon County Comprehensive Plan, land use element, and related overlays included therein:

~~a. Upon presentation of competent technical evidence that a proposed development site within the lake preservation area lies within a closed basin which does not naturally or artificially discharge to the Lake Jackson basin, such development site shall not be subject to the limitations of the Lake Jackson-area special development zone, provided that the following conditions are met:~~

- ~~1. The closed basin must be certified by a qualified professional to the effect that there are no artificial or natural discharges from it.~~
- ~~2. Increases in the post-development stormwater runoff above the pre-development volumes shall be either retained on-site or filtered through an approved regional stormwater management facility.~~
- ~~3. All other applicable development standards outlined within the Tallahassee Leon County Comprehensive Plan, matrix, and this article, are met, including special requirements and restrictions specified for the particular zone if the development site is located within zone A or B.~~

~~ba. Stormwater retention. Non-vested and Non-single-family residential uses which are have been approved for development (as specified in the comprehensive plan) subsequent to March 15, 1992, shall retain post-development stormwater on-site for all storm events up to and including the 50-year 24-hour duration storm. One-half the required pond volume shall be recovered within seven days, and the full volume shall be recovered within 30 days.~~

Section 2. That Sections 10-919(a) and 10-919(b), Lake Protection, of Division 5 of Article X of Chapter 10, Land Development Code, of the Code of Laws of Leon County, Florida, are amended as follows:

Sec. 10-919. Lake protection.

(a) *Purpose and intent.* The purpose and intent of the lake protection district is for activities in the area immediately adjacent to and affecting Lake Jackson while protecting that water body and ecosystem. This district's location is based on the lake basin boundary so adjusted to ~~primarily include undeveloped areas and existing, less intensely developed areas~~ contributing watersheds but to exclude existing, more intensely developed areas south of Interstate 10. This district allows residential uses to a maximum density of one unit per two acres or two units per acre if clustered on 40 percent of the property, yielding a gross density of 0.8 units per acre for the entire property, and leaving the remaining 60 percent of the property as undisturbed open space in perpetuity. This cluster option is ~~designed~~ intended to leave large areas of land undisturbed within the critically impacted area and be designed to minimize non-point pollution from the site. Minor office and commercial uses may be approved through review by the ~~Board of County Commissioners~~ PUD process. Approval by the Board of County Commissioners shall be based upon findings that the proposed use is consistent with the purpose and intent stated above herein and the proposed development ~~would retain its resultant stormwater on site~~ will comply with the provisions of Section 10-192(b)(3)(a). All other commercial and office uses are prohibited. Urban services are intended for this category inside the urban service area. Existing nonresidential uses within this district that meet all water quality standards set forth in the comprehensive plan and the environmental

regulations of the county will be considered permitted, lawfully established conforming uses.

~~Any land in the lake protection district lying within a closed basin may be rezoned to another appropriate district by amendment of the official zoning map through the planned unit development process. Densities and intensities of development within a closed basin are limited to primary and secondary uses of the Mixed Use A Future Land Use Category as defined by the comprehensive plan. In order to petition for such an amendment, the potential applicant must demonstrate through presentation of competent scientific evidence certified by a registered engineer that all land affected is located entirely within a closed basin which does not naturally or artificially discharge into the Lake Jackson basin. Stormwater generated by any development must be either retained on site or filtered through an approved regional stormwater management facility within the closed basin.~~

(b) *Allowable uses.* For the purpose of this article, the following land use types are allowable in this zoning district and are controlled by the land use development standards of this article, the comprehensive plan and schedules of permitted uses.

- (1) Minor commercial, Planned Unit Development ~~Board of County Commissioners~~ approval required and runoff retained on site required.
- (2) Minor office, Planned Unit Development ~~Board of County Commissioners~~ approval required and runoff retained on site required.
- (3) Low-density residential.
- (4) Passive recreation.
- (5) Active recreation.
- (6) Community services.

Section 3. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, as of the effective date of this ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, whether in whole or in part, with the said Comprehensive Plan. Any provisions that are otherwise repealed by this ordinance shall nonetheless continue to apply to those applications on file and being reviewed by the county as of the effective date of this ordinance, pursuant to Sections 1 and 2.

Section 4. Severability

If any portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provisions and such hold shall not effect the validity of the remaining portion of the ordinance.

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SUBJECT TO MODIFICATION

Section 5. Effective Date.

This ordinance shall become effective as provided by law.

Duly passed and adopted by the Board of County Commissioners of Leon
County, Florida, this day of , 2006.

LEON COUNTY, FLORIDA

Bill Proctor, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court

By: _____

APPROVED AS TO FORM:
County Attorney's Office
Leon County, Florida

By: _____
Herbert W. A. Thiele, Esq.
County Attorney

